

## **REMARKS**

Prior to entry of this Amendment, Claims 114-142 were pending and under consideration. Applicants note with appreciation that Claims 116-118 and 120 are indicated as being allowed, and that Claims 115, 138 and 141 would be allowable if re-written in independent form. With this Amendment, Claims 114, 119, 136 and 139 are being cancelled, without prejudice against their reintroduction into this or one or more timely-filed related applications. Claims 115, 121, 129, 130, 132, 133, 135, 137, 138 and 140-142 are being amended. Thus, after entry of this Amendment, Claims 115-118, 120-135, 137, 138 and 140-142 are pending and under consideration. The various amendments, objections and rejections are discussed in more detail, below.

### **The Amendment of the Claims**

Claims 114, 119, 136 and 139 have been cancelled.

Claims 116-118 and 120 were indicated as being allowed.

Claim 115 was indicated as being allowable if re-written in independent form. Claim 115 has been re-written in independent form, and includes the limitations of the base claim, excepted as noted below.

Claim 138 was indicated as being allowable if re-written in independent form. Claim 138 has been re-written in independent form, and includes the limitations of the base claim, excepted as noted below.

Claim 141 was indicated as being allowable if re-written in independent form. Claim 141 has been re-written in independent form, and includes the limitations of the base claim, excepted as noted below.

Claims 121, 129, 130, 132 and 133 have been amended to depend from Claims 115-118 and 120.

Claim 135 has been amended to depend from Claim 133 in order to correctly provide antecedent basis for the word "cell."

Claims 140 and 142 have been amended to depend from Claim 141.

Claim 137 has been amended to depend from Claim 138.

Support for the amendments of Claims 115, 121, 129, 130, 132, 133, 135, 137, 138 and 140-142 derives from the claims as originally filed or as previously presented. Accordingly, the amendments do not present new matter and entry is proper.

5 **Objections to the Claims**

**Rejection of Claims 119, 121-127 and 129-135 Under 35 U.S.C. §112, First Paragraph**

Claims 119, 121-127 and 129-135 stand rejected under 35 U.S.C. §112 First Paragraph as allegedly failing to comply with the written description requirement because there was not written support for the limitation “with the proviso that said locking complex is not an internal homology clamp” recited in Claim 119. The rejection is rendered moot owing to the cancellation of Claim 119. The rejection of Claims 121-127 and 129-135, as amended, is obviated because these claim now depend from claims lacking this limitation. Withdrawal of the rejection of Claims 121-127 and 129-135 under 35 U.S.C. §112, First Paragraph is therefore requested.

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**Rejection of Claims 119, 121-127 and 129-135 Under 35 U.S.C. §112, Second Paragraph**

Claims 119, 121-127 and 129-135 stand rejected under 35 U.S.C. §112 Second Paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. According to the Patent Office, the limitation “with the proviso that said locking complex is not an internal homology clamp” is indefinite. Applicants do not agree with the rejection, but have cancelled Claim 119 merely to expedite the prosecution of the instant application, and without prejudice to the reintroduction of this claim into this or one or more timely-filed related applications. The rejection is rendered moot owing to the cancellation of Claim 119. The rejection of Claims 121-127 and 129-135, as amended, is obviated because they now depend from claims lacking this limitation. Withdrawal of the rejection of Claims 121-127 and 129-135 under 35 U.S.C. §112, Second Paragraph is therefore requested.

30 **Rejection of Claims 114, 121-127, 129-137, 139, 140 and 142 Under 35 U.S.C. §102(e)**

Claims 114, 121-127, 129-137, 139, 140 and 142 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Pati *et al.* (U.S. Patent No. 5,948,653). Applicants do not agree with the rejection, but have cancelled Claim 114, 136 and 139 merely to expedite the prosecution of the instant application, and without prejudice to the reintroduction of these claims into this or one or more timely-filed related applications. The rejection is rendered moot owing to the cancellation of Claims 114, 136 and 139, and the fact that Claims 121-127, 129-135, 137, 138, 140 and 142, as amended, depend from claims reciting subject matter that the Patent Office indicated was allowable. Withdrawal of the rejection of Claims 121-127, 129-135, 137, 138, 140 and 142 under 35 U.S.C. § 102(e) is therefore requested.

Claim 115, as amended, includes all of the limitations of the base claim (Claim 114) save one. Claim 115 does not include the phrase “wherein the half-life of the double D-loop is at least about 5-fold longer than said double D-loop without said locking complex.” According to the Patent Office, this phrase recites a functional property that is inherent in Pati *et al.* Assuming, for the sake of argument that this property were inherent, it would therefore be unnecessary to recite this phrase in Claim 115. Claim 115, as amended, is deemed to be allowable and recites limitations that are neither taught nor suggested in the art of record. For the same reason, Claim 138 and Claim 141, as amended, do not include the phrase “wherein the half-life of the double D-loop is at least about 5-fold longer than said double D-loop without said locking complex.” Claim 138 and Claim 141 are deemed to be allowable and recite limitation that are neither taught nor suggested in the art of record.

### **Conclusion**

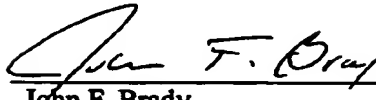
Applicants submit that Claims 115-118, 120-135, 137, 138 and 140-142 satisfy all of the statutory requirements for patentability and are in condition for allowance. An early notification of the same is kindly solicited. No additional fees are believed due in connection with this Amendment. However, the Commissioner is authorized to charge any additional required fees, or credit any overpayment, to Dorsey & Whitney LLP Deposit Account No. 50-2319 (Our Order No. A-68112-1/AMP/JFB(470193-00046)).

Respectfully submitted,

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